



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Song K. Jung
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington DC 20006

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,408,614 :
Issue Date: August 5, 2008 :
Application No. 10/824,436 : ON PETITION
Filed: April 15, 2004 :
Atty Docket No. 8733.1025.00-US :

This is in response to the REQUEST FOR PATENT TO BE CORRECTED UNDER 37 C.F.R. §3.81(b) filed December 17, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

By decision mailed October 21, 2008, a prior REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR 1.323 was dismissed. The request included a check in the amount of \$100, an authorization to charge any deficiency in fees to a Deposit Account, and a Request for Certification of Correction Under 37 CFR 1.323. The processing fee under 37 CFR 1.17(i) of \$130 was never charged and is now being charged to the Deposit Account as authorized. The fee set forth in 37 CFR 1.20(a) for issuance of a certificate of correction is paid by way of the \$100 check. The request for a certificate of correction was dismissed by the Certificate of Corrections Branch because no decision granting the request had been issued by the Office of Petitions.

On December 17, 2010, petitioner submitted their request to the Office of Petitions for decision. A review of the record reveals that "LG.Philips LCD Co., Ltd." was named on the form PTOL-85B. Petitioner requests that the above-identified patent be corrected

¹ See MPEP 1309, subsection II, Official Gazette at 1283 OG 148 (June 22, 2004) or Final Register at 69 FR 29865 (May 26, 2004).

to state the name of the assignee as "LG Display Co., Ltd." and requests that a Certificate of Correction be issued identifying the assignees. Petitioner submits a "Certificate of Correction" for this purpose.

Both petitioner's evidence and Office records show that the assignment of the above-identified application to LG.Philips LCD Co, Ltd was submitted for recording in the Office on April 15, 2004 (Reel/Frame 015227/0621). This recording occurred before issuance of the patent on August 5, 2008, and even prior to payment of the Issue Fee on April 22, 2008.

However, the change of name of the assignee to "LG Display Co. Ltd." was not recorded until October 17, 2008 (Reel/Frame, 021754/0045). This occurred after the issuance of the patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See also MPEP 1481.01.

Accordingly, since the change of the name of the assignee was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper. The patent properly issued in the name of the assignee as recorded in the Office on the date of issuance of the patent.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions